

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

X

D/R

WALTER KIERNAN,

Plaintiff,
-against-

ORDER
09 CV 01508 (SJF)(WDW)

HERMES INTERNATIONAL, et al.,

Defendants.

X

FEUERSTEIN, J.

On August 3, 2009, United States Magistrate Judge William D. Wall issued a Report and Recommendation (the "Report") recommending that the motions of *pro se* plaintiff Walter Kiernan ("Plaintiff") for default judgment against defendants Incorporated Village of Freeport, (Docket No. 27), Police Officer Peter Regan, (Docket No. 60), and Police Officer Michael Horne, (Docket No. 61), be denied. No objections have been filed to the Report. For the reasons stated herein, the Report is accepted in its entirety.

I. Discussion

Rule 72 of the Federal Rules of Civil Procedure permits magistrate judges to conduct proceedings on dispositive pretrial matters without the consent of the parties. Fed. R. Civ. P. 72(b). Any portion of a report and recommendation on dispositive matters, to which a timely objection has been made, is reviewed *de novo*. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b).

The court, however, is not required to review the factual findings or legal conclusions of the magistrate judge as to which no proper objections are interposed. See Thomas v. Arn, 474 U.S. 140, 150, 106 S.Ct. 466, 88 L.Ed.2d 435 (1985). To accept the report and recommendation of a magistrate judge to which no timely objection has been made, the district judge need only be satisfied that there is no clear error on the face of the record. See Fed. R. Civ. P. 72(b); Baptichon v. Nevada State Bank, 304 F. Supp. 2d 451, 453 (E.D.N.Y. 2004), affd, 125 F. App'x. 374 (2d Cir. 2005); Nelson v. Smith, 618 F. Supp. 1186, 1189 (S.D.N.Y. 1985). Whether or not proper objections have been filed, the district judge may, after review, accept, reject, or modify any of the magistrate judge's findings or recommendations. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b).

No objections have been filed to Magistrate Judge Wall's Report. Upon review, the Court is satisfied that the Report is not facially erroneous. Accordingly, the Court accepts and adopts Magistrate Judge Wall's Report as an Order of the Court.

II. Conclusion

For the foregoing reasons, the Report is accepted in its entirety, and the motions of Plaintiff for default judgment against defendants Incorporated Village of Freeport, (Docket No. 27), Police Officer Peter Regan, (Docket No. 60), and Police Officer Michael Horne, (Docket No. 61), are denied.

The Clerk of Court is directed to service notice of entry of this Order on all parties in accordance with Rule 77(d)(1) of the Federal Rules of Civil Procedure, including mailing a copy of the Order to the *pro se* parties at their last known address. See Fed. R. Civ. P. 5(b)(2)(C).

SO ORDERED.

SANDRA J. FEUERSTEIN
United States District Judge

Dated: August 24, 2009
Central Islip, New York

Copies to:

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